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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BANK OF AMERICA, N.A.,

Plaintiff,

vs.

MADEIRA CANYON HOMEOWNERS'
ASSOCIATION; NEVADA ASSOCIATION
SERVICES, INC.; and SFR INVESTMENTS
POOL 1, LLC; and

Defendants.

Case No. 2:16-cv-00656-RFB-CWH

**SFR INVESTMENTS POOL 1, LLC'S
DEMAND FOR SECURITY OF COSTS
PURSUANT TO NRS 18.130(1)**

SFR INVESTMENTS POOL 1, LLC ("SFR") hereby demands that plaintiff BANK OF AMERICA, N.A., ("BANA" or "Bank"), an out-of-state resident, post a cost bond pursuant to NRS 18.130(1).

In Nevada, if a plaintiff resides outside of Nevada or is a foreign corporation, like the Bank, "security for the costs and charges which may be awarded against such plaintiff may be required by defendant, by the filing and service on plaintiff of a written demand within the time limited for answering the complaint." NRS 18.130(1). When a defendant demands a cost bond, "all proceedings in the action shall be stayed" until plaintiff files "an undertaking, executed by two or more persons, to the effect that they will pay such costs and charges as may be awarded against the plaintiff by judgment, or in the progress of the action . . . or the plaintiff may deposit \$500 with the clerk of the court." *Id.* "After the lapse of 30 days from the service of notice that security is

1 required, or of an order for new or additional security, upon proof thereof, and that no undertaking
 2 as required has been filed, the court or judge may order the action to be dismissed.” NRS
 3 18.130(4).

4 “It is the policy of the United States District Court for the District of Nevada to enforce
 5 the requirements of NRS 18.130 in diversity actions.” *Feagins v. Trump Organization*, 2012 WL
 6 925027 (D. Nev.)(citing *Hamar v. Hyatt Corp.*, 98 F.R.D. 305, 305-6 (D. Nev. 1983); *Arrambide*
 7 *v. St. Mary’s Hosp., Inc.*, 647 F.Supp. 1148, 1149 (D. Nev. 1986).)

8 Here, BANA, a subsidiary of Bank of America Corporation, a Delaware registered
 9 corporation, is not a citizen of Nevada, but rather a national banking association with its
 10 headquarters in North Carolina. Accordingly, SFR demands that the Bank post a \$500 cost bond
 11 within 30 days and that the proceedings be stayed until such cost bond is posted. Should the
 12 Bank fail to comply with the requirements of NRS 18.130 within 30 days, SFR requests this
 13 action be dismissed.

14 DATED April 18, 2016.

KIM GILBERT EBRON

/s/ Diana Cline Ebron
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 22 IT IS ORDERED that [7] Motion for Demand for Security of Costs is GRANTED. Plaintiff
 23 Bank of America, N.A. shall post a cost bond of \$500.00 or make a cash deposit of \$500.00
 24 with the clerk of court within seven days of this Order.

IT IS SO ORDERED:

25
 26 

27 RICHARD F. BOULWARE, II
 28 United States District Judge
 DATED this 3rd day of May, 2016.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of April 2016, pursuant to FRCP 5, I served via the CM-ECF electronic filing system the foregoing **SFR INVESTMENTS POOL 1, LLC'S DEMAND FOR SECURITY OF COSTS PURSUANT TO NRS 18.130(1)**, to the following parties:

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